

Notice of Allowability

Application No.

09/913,702

Applicant(s)

VALERO SALINAS, JOSE
MANUEL

Examiner

Justin R. Fischer

Art Unit

1733

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 19 April 2005.
2. ☒ The allowed claim(s) is/are 1 and 5-10 (renumbered 1-7).
3. ☒ The drawings filed on 23 January 2002 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

In the claims

Claim 6, Line 2: The language "claim 2" is deleted and replaced with --claim 1--.

Claim 8, Line 2: The language "claim 2" is deleted and replaced with --claim 1--.

Allowable Subject Matter

2. Claims 1 and 5-10 (renumbered 1-7) are allowed. The following is an examiner's statement of reasons for allowance:

The closest prior art of record is Edwards (US 3,928,939), which substantially teaches the claimed invention, including an apparatus for applying a reinforcement material or film "F" to a formwork or cylindrical object 20 comprising (on an elongated bench) a pair of longitudinal rollers 18, 19 that define a seat for said cylindrical object and confer a rotational movement to said cylindrical object and a carriage having a delivery reel or supply roll 42, wherein said carriage is slidable along the longitudinal direction of the cylindrical object and is capable of being angularly rotated in relation to the cylindrical object (Columns 2 and 3 and Figures 1-14). Also, a brake 60 is associated with the supply roll in order to wrap the film about the cylindrical object with

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the desired amount of tension. As to the use of upper pressure rollers, one of ordinary skill in the art at the time of the invention would have found it obvious to include upper pressure rollers in the apparatus of Edwards since such an arrangement is extensively used in the winding industry in order to optimize the contact between the layer being wound and the cylindrical object (provides accurate positioning), as shown for example by Lindsey (US 4,008,118) and Golden (US 5,302,221). However, Edwards fails to describe, suggest, or teach the portal frame construction of the claimed invention, including a vertically movable bridge structure formed of a plurality of lower arms that support a pair of pressure rollers. It is emphasized that while the general inclusion of upper pressure rollers would have been within the purview of one of ordinary skill in the art at the time of the invention, it would not have been obvious to include the specific portal frame construction (including the upper pressure rollers) in the apparatus of Edwards.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Justin R. Fischer** whose telephone number is **(571) 272-1215**. The examiner can normally be reached on M-F (7:30-4:00).


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Blaine Copenheaver can be reached on (571) 272-1156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Justin Fischer

June 3, 2005


JEFF H. AFTERGUT
PRIMARY EXAMINER
GROUP 1300